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Attorneys for Defendant GCA Services Group, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BUILDING SERVICE 32B-J BENEFIT	:
FUNDS,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
GCA SERVICES GROUP, INC.,	:
	:
Defendant.	:
-----X	

Case No. 07 Civ. 8381 (HB)

AFFIDAVIT OF MARTI LINCOLN

STATE OF TENNESSEE)
) SS:
COUNTY OF KNOX)

AFFIDAVIT OF MARTI LINCOLN

I, MARTI LINCOLN, being first duly sworn according to law, depose and say as follows:

1. I am over the age of eighteen years, and have personal knowledge of the following.
2. I currently am employed as the Human Resources/Benefits Administrator for the Education Division of GCA Services Group, Inc. ("GCA"). My duties include the preparation and submission of remittance reports to the Building Service 32B-J Benefits Funds (the "Funds") on a quarterly basis.
3. GCA is required to make certain contributions into the Funds pursuant to the collective bargaining agreement in place between it and the Service Employees International Union, Local 32BJ, AFL-CIO (the "Union")
4. Prior to August 2, 2007, GCA employed a number of service workers who performed various housekeeping, maintenance, and groundskeeping duties at St. John's University ("St. John's") in New York City, for whom it was required to make contributions and submit reports to the Funds.
5. Prior to the Second Quarter of 2007, for each quarter that its employees performed work at St. John's, GCA submitted a series of remittance reports for the preceding three-month period.

6. As it did every quarter, GCA drafted a series of remittance reports for the Fourth Quarter of 2006, ending December 31, 2006. This series of reports consisted of three reports, each for a different class of employees. See December 2006 Reports, attached as Exhibit 1.

7. The first report ("December-1") is a one-page report, containing the names of four employees, who worked an aggregate total of fifty-two weeks and twelve months during the quarter. The math in the ledger at the bottom of December-1 is accurate: GCA calculated a total of \$9,750.60 for the Health Fund (\$812.55 per employee per month multiplied by 12 aggregate months); a total of \$2,587.00 for the Pension Fund (\$49.75 per employee per week multiplied by 52 aggregate weeks); a total of \$223.56 for the Legal Services Fund (\$18.63 per employee per month multiplied by 12 aggregate months); a total of \$676.00 for the Supplemental Retirement and Savings Fund (\$13.00 per employee per week multiplied by 52 aggregate weeks); and a total of \$145.56 for the Educational and Training Fund (\$12.13 per employee per month multiplied by 12 aggregate months). These five items added together, GCA calculated a total of \$13,382.72 for December-1. See December Reports.

8. The second report ("December-2") is a two-page report containing the names of 24 employees, who worked an aggregate total of 273 weeks and 69 months during the quarter. GCA calculated a total of \$56,065.95 for the Health Fund (\$812.55 per employee per month multiplied by 69 aggregate months); a total of \$13,581.75 for the Pension Fund (\$49.75 per employee per week multiplied by 273 aggregate weeks); a total of \$1,285.47 for the Legal Services Fund (\$18.63 per employee per month multiplied by 69 aggregate months); a total of \$3,549.00 for the Supplemental retirement and Savings Fund (\$13.00 per employee per week multiplied by 273 aggregate weeks); and a total of \$836.97 for the Educational and Training Plan

(\$12.13 per employee per month multiplied by 69 aggregate months). See December Reports. These five items added together, GCA appropriately calculated a total of \$75,319.14 for December-2.

9. The third December 2006 report ("December-3") is an eleven-page report containing the names of 131 employees, who worked an aggregate total of 1,466 weeks and 373 months during the quarter. GCA calculated a total of \$303,081.15 for the Health Fund (\$812.55 per employee per month multiplied by 373 aggregate months); a total of \$72,933.50 for the Pension Fund (\$49.75 per employee per week multiplied by 1,466 aggregate weeks); a total of \$6,948.99 for the Legal Services Fund (\$18.63 per employee per week multiplied by 1,466 aggregate weeks); a total of \$19,058.00 for the Supplemental Retirement and Savings Fund (\$13.00 per employee per week multiplied by 1,466 aggregate weeks); and a total of \$4,524.49 for the Educational and Training Fund (\$12.13 per employee per month multiplied by 373 aggregate months). See December Reports. These five items added together, GCA appropriately calculated a total of \$406,546.13 for December-3.

10. Accordingly, GCA calculated a total of \$13,382.72 for December-1, \$75,319.14 for December-2, and \$406,546.13 for December-3 for a total of \$495,247.99.

11. On November 17, 2006, GCA also had sent a letter to the Union informing it of a previous overpayment of \$3,345.68 that it had paid. See November 17, 2006 Letter, attached as Exhibit 2.

12. GCA requested that it be given a credit for this amount on its December 2006 payment, which would decrease the total of \$495,247.99 to \$491,902.31. See November 17, 2006 Letter.

13. This is exactly the amount of the check that GCA submitted to the Funds.

See Check Request, attached as Exhibit 3.

14. Accordingly, GCA made all of its contributions to the Funds for the Fourth Quarter of 2006.

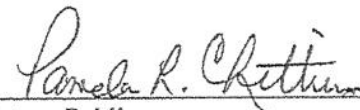
15. Further, I have reviewed the remittance reports prepared by GCA for the Second Quarter of 2007, ending June 30, 2007.

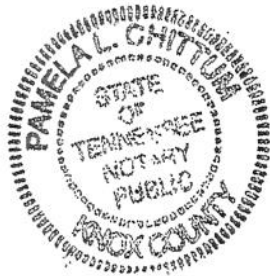
16. The amount of contributions sought by the Funds in this lawsuit (\$291,835.83) is misstated for that period based on the composition of GCA's workforce and the hours worked.

FURTHER AFFIANT SAYETH NAUGHT.


MARTI LINCOLN

Subscribed and sworn to before me this 24 th day of March, 2008.


Notary Public



MY COMMISSION EXPIRES OCTOBER 2, 2011